

# FLETCHER & SIPPEL LLC

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## VIA FACSIMILE AND FEDERAL EXPRESS

Mr. Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W., Room 700  
Washington, DC 20006

ENTERED  
Office of Proceedings

JUL 15 2004

Part of  
Public Record



Re: **Docket No. AB-303 (Sub-No. 27)**  
**Wisconsin Central Ltd. -- Abandonment --**  
**In Ozaukee, Sheboygan and Manitowoc Counties, WI**

Dear Secretary Williams:

On behalf of applicant Wisconsin Central Ltd., an affiliate of Canadian National Railway Company ("WCL"), we have reviewed on the Board's web site the letter requests for oral hearing in the above-captioned abandonment proceeding filed by Kettle Lakes Cooperative, the Random Lake Area Chamber of Commerce and U.S. Representative Thomas E. Petri. We note initially that WCL was an active participant in the June 24, 2004 meeting hosted by the Wisconsin Department of Transportation and referenced in the Chamber's letter. Company representatives discussed the business rationale for the abandonment proposal, outlined the regulatory process for abandonments, took numerous questions from the other attendees, and indicated that WCL was willing to work with any party seriously interested in acquiring the Saukville-Kiel, Wisconsin line (the "Plymouth Line") for continued rail service. WCL reiterates that commitment here.

WCL also notes that, contrary to a concern expressed in Congressman Petri's letter, abandonment of the Plymouth Line is not a precursor to abandoning the connecting WCL line segments to the north and south of the Plymouth Line. WCL made that representation at the June 24<sup>th</sup> meeting and subsequently in its abandonment application filed June 30, 2004, and makes it again here.

WCL believes that all parties in this abandonment proceeding will have ample and sufficient opportunity to present their positions, arguments and evidence through written submissions, and that accordingly oral hearing is not necessary. See 49 C.F.R. § 1112.1 (modified procedure appropriate "when it appears that substantially all material issues of fact can be resolved through submission of written statements . . ."); 49 C.F.R. § 1112.10(a) (oral argument requests should "include the reasons why the matter cannot be properly resolved under

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modified procedure."); 49 C.F.R. § 1152.25(d)(6). As the Board explained when applying these standards in a prior abandonment proceeding:

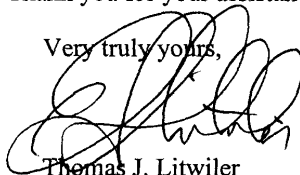
[N]o one has cited any unique technical issues here that cannot be resolved on the basis of a written record. And vigorous public opposition can be expressed in writing, as it is clear that it will be in this proceeding. We believe that a full and fair treatment of the issues in this proceeding can and will be had on the basis of a written record.

Camas Prairie RailNet, Inc. -- Abandonment -- In Lewis, Nez Perce and Idaho Counties, ID,  
Docket No. AB-564 (STB served June 29, 2000) at 2.

WCL believes a similar conclusion is warranted here. If the Board were nonetheless to conclude that some form of additional process might be appropriate or helpful in this proceeding, oral argument before the Board could be held after the submission of written evidence was completed.

Ten copies of this letter are enclosed for filing at the Board. One extra copy also is enclosed, and I would request that you date-stamp that copy to show receipt of this filing and return it to me in the provided envelope. Thank you for your assistance on this matter.

Very truly yours,



Thomas J. Litwiler  
Attorney for Wisconsin Central Ltd.

TJL:tl

Enclosures

cc: Mr. David M. Konschnik, STB Office of Proceedings  
Mr. Norbert Schleicher, Kettle Lakes Cooperative  
Mr. James Benson, Random Lake Area Chamber of Commerce  
The Hon. Thomas E. Petri